

REMARKS/ARGUMENTS

The Official Action dated 05 October 2004 has been carefully considered, along with cited references, applicable sections of the Patent Act, Patent Rules, the Manual of Patent Examining Procedure and relevant decisional law.

Claims 1-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 5,169,184 to Bishop, in view of U.S. Patent Number 5,551,736 to Fann et al.

Applicant respectfully submits that the present invention is significantly different from that of the cited arts as can be seen from their respective structures. Applicant's invention as specified in the amended claims 1, 3, and 7 is patentably distinguishable over these references when taken either singularly or in combination for the following reasons:

The Examiner cites Bishop as an example disclosing the invention substantially as claimed, and comprising a door latch assembly having a housing (30) including a chamber and an opening (33) formed therein and communicating with each other, a dead bolt (110) slidably received in the chamber and the opening of the housing, and movable in and out of the opening of the housing, a follower (90) slidably received in the chamber of the housing, and coupled to the dead bolt, for moving the dead bolt relative to the chamber and the opening of the housing, the follower including a groove (106a) formed therein, and defined between two levers (101), and an actuator (60) rotatably received in the housing, and each including an actuating finger (61 and 62) engageable with the levers of the follower, for selectively actuating the levers of the follower to

move the dead bolt relative to the housing, when the actuators are rotated relative to the housing. However, Bishop does not disclose two actuators received in the housing.

The Examiner further cites Fann as an example teaching two actuators (5 and 6), each having at least one actuating finger (52 and 62, respectively) engageable with levers (33) of a follower (3), for selectively actuating the lever of the follower to move a dead bolt (12) in the same field of endeavor for the purpose of having a variable backset latch assembly to facilitate adjustments between the two standard backset lengths.

Bishop also discloses each of the levers of the follower includes a lower portion (97 and 98) having a first seat provided thereon, and an upper portion (94 and 95) having a second seat provided thereon.

Bishop does not disclose a block to rotatably receive the actuator. Fann teaches a door latch assembly having a block (4) including an orifice (41) and an aperture (43) formed therein to rotatably receive the actuators respectively, as in claim 5, an arm of a housing (2) includes a depression (24) formed therein, and the block has a bulge (92) extended therefrom for engaging into the depression of the housing, and for anchoring the block to the housing, as in claim 6, and a cap provided on the block for engaging with the levers of the follower, and for anchoring the block to the housing, as in claim 7.

Bishop further discloses a stud (on element 51, figure 7) on the housing and engaged into the groove of the follower, to guide the follower to move relative to the housing, as in claim 8, and where

the follower includes a pair of shoulders (102, 103) formed therein, to engage with the housing, and to limit a movement between the follower and the housing, as in claim 9, and the dead bolt has a plate (112) extended therefrom and having a passage formed therein, the follower includes a hook (92) extended therefrom, and slidably engaged through the passage of the plate, and engageable with the plate, for moving the plate and the dead bolt relative to the housing when the follower is moved relative to the housing by either of the actuators, as in claim 10.

However, actually, in Bishop, only one actuator (60) is disclosed and engageable with the levers of the follower, for selectively actuating the levers of the follower to move the dead bolt relative to the housing.

In Fann et al., the disclosed two actuators (5, 6) are superposed with each other, as shown in FIGS. 2, 4-8, or offset from each other, as shown in FIGS. 10-14. However, when the actuators (5, 6) are arranged offset from each other, the actuators (5, 6) are slidably received in the oblong opening (32) of the transmission plate (3) only, and may not be stably attached to the transmission plate (3) with a retaining block.

By contrast, in Applicant's invention, as amended in the amended claims 1, 3, 7, the housing (11) includes two arms (20) each having an orifice (21) and an aperture (22) and a depression (23), a dead bolt (30) is slidably received in the housing (11) and includes a plate (32) and having a passage (33), a follower (50) is slidably received in the housing (11) and coupled to the dead bolt (30), and includes a groove (51) formed between two levers (52),

each lever (52) includes a lower first seat (56) and an upper second seat (57), the follower (50) includes at least one shoulder (53) to engage with the housing (11), the housing (11) includes a stud (18) extended into the groove (51) of the follower (50), a block (70) is engaged into the space (25) formed between the arms (20), and includes an orifice (71) and an aperture (72) aligned with that of the arms (20) to rotatably receive two actuators (80, 81), and each actuator includes at least one actuating finger (83, 84) engageable with the seats (56, 57) of the follower (50), and the follower (50) includes a hook (54) for moving the plate (32) and the dead bolt (30) relative to the housing (11).

The cited arts fail to teach door latch assembly comprising a housing (11) including two arms (20) each having an orifice (21) and an aperture (22) aligned with that of the block (70) to rotatably receive two actuators (80, 81) respectively, and to allow the actuators (80, 81) to be stably and rotatably retained between the arms (20) of the housing (11) with the block (70). Simultaneously, the housing (11) includes a stud (18) extended into the groove (51) of the follower (50) to guide the follower (50) to move relative to the housing (11), and the follower (50) includes a hook (54) slidably engaged through the passage (33) of the plate (32), and engageable with the plate (32), for moving the plate (32) and the dead bolt (30) relative to the housing (11). The applicant's invention is different from that of the cited arts and has improved over the cited arts.

In view of the foregoing amendments and remarks, applicant respectfully submits that the present invention is patentably distinguishable over the cited arts and that the application is now in

condition for allowance, and such action is earnestly solicited.

Courtesy and cooperation of Examiner BOSWELL are appreciated.

respectfully submitted,

By: Charles E. Baxley

CHARLES E. BAXLEY

Attorney of Record

USPTO Reg. 20,149

90 John Street – 3rd Floor

New York, N.Y. 10038

TEL: (212) 791-7200

FAX: (212) 791-7276

Date: New York, N.Y.